

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 15-43828
Chapter 7

James Alan Rother,

Debtors.

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

TO: Entities specified in Local Rule 9013-3.

1. J. Richard Stermer, the Chapter 7 Trustee of the bankruptcy estate of James Alan Rother, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of Sam V. Calvert, P.A., the Law Offices of William J. Mauzy, Anastasi Jellum, P.A., Robins Kaplan, LLP, and Wells Fargo Bank, N.A.

2. The Court will hold a hearing on this motion at 2:00 p.m. on March 8, 2017, before the Honorable Michael A. Ridgway, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery no later than March 3, 2017, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This case was commenced by the filing of a voluntary chapter 7 petition on November 3, 2015.

5. The case is currently pending in this Court. This Court has jurisdiction over this Application under 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1.

This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004 and is filed under Local Rule 2004-1.

6. The entities for which Rule 2004 examination authority is sought are the following:

- a. Sam V. Calvert, P.A, attorney for the Debtor, may have received payments from Stephanie Voxland the girlfriend of the Debtor, or the Debtor, and the Trustee desires to investigate whether such payments consisted of bankruptcy estate property.
- b. Law Offices of William J. Mauzy, attorney for the Debtor, may have received payments from Stephanie Voxland or the Debtor, and the Trustee desires to investigate whether such payments consisted of bankruptcy estate property.
- c. Anastasi Jellum, P.A., attorneys for ABC Bin Company, LLC, may have received payments from Stephanie Voxland or the Debtor, and the Trustee desires to investigate whether such payments consisted of bankruptcy estate property.
- d. Robins Kaplan, LLP, attorney for the Debtor, may have received payments from Stephanie Voxland or the Debtor, and the Trustee desires to investigate whether such payments consisted of bankruptcy estate property.
- e. Wells Fargo Bank: it appears that an account was established for ABC Bin Company, LLC at Wells Fargo Bank in November 2015, shortly after the petition date, November 3, 2015. Also, the Debtor's company, ABC Bin Company, LLC, issued checks to individuals which are believed to be part of a fraud. In other words, it appears that checks made to "John Doe" were actually deposited into accounts owned or controlled by the Debtor and Voxland.

7. The Trustee needs to obtain information from Sam V. Calvert, P.A., the Law Offices of William J. Mauzy, Anastasi Jellum, P.A., Robins Kaplan, LLP, and Wells Fargo Bank, N.A. so that he can determine the assets of this bankruptcy estate and administer the estate.

WHEREFORE, the Trustee requests that the Court enter an order approving the Trustee's examinations, pursuant to Bankruptcy Rule 2004, of Sam V. Calvert, P.A., the Law Offices of William J. Mauzy, Anastasi Jellum, P.A., Robins Kaplan, LLP, and Wells Fargo Bank, N.A.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: February 22, 2017

By _____

Matthew R. Burton, #210018

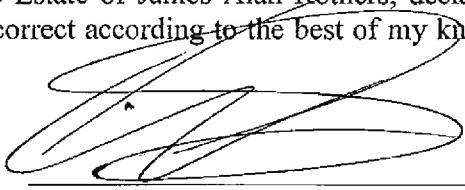
mburton@losgs.com

Attorneys for J. Richard Stermer, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1234
(612) 332-1030

VERIFICATION

I, J. Richard Stermer, the Trustee for the Estate of James Alan Rethers, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

February 21, 2017



J. Richard Stermer, Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 15-43828
Chapter 7

James Alan Rother,

Debtors.

CERTIFICATE OF SERVICE

I, Hillary Brown, under penalty of perjury, hereby declare that on February 22, 2017, in connection with the above-referenced matter, I caused the following documents:

Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations

Proposed Order for Rule 2004 Examinations

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing.

I further certify that I caused a copy of the foregoing documents to be mailed via First Class mail to the following:

William J. Mauzy
William Mauzy Attorney at Law
510 First Ave N, Suite 610
Minneapolis, MN 55403

Christopher W. Madel
Robins Kaplan, LLP
800 LaSalle Ave, Suite 2800
Minneapolis, MN 55402

Officer or Managing Agent
Wells Fargo Bank, N.A.
101 North Phillips Ave
Sioux Falls, SD 57104

Dated: February 22, 2017

/e/ Hillary A. Brown
Hillary A. Brown

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 15-43828
Chapter 7

James Alan Rother,

Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

This case is before the Court on the motion of the J. Richard Stermer, Trustee to allow him to conduct examinations pursuant to Federal Rule of Bankruptcy Procedure 2004. Based on files and records,

II IS ORDERED:

The Trustee may examine Sam V. Calvert, P.A, the Law Offices of William J. Mauzy, Anastasi Jellum, P.A., Robins Kaplan, LLP, and Wells Fargo Bank, N.A. pursuant to Federal Rule of Bankruptcy Procedure 2004.

Dated: _____

United States Bankruptcy Judge